



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,283	09/28/2001	James Morrow	83336.0521	6806
66880 7590 04/10/2007 STEPTOE & JOHNSON, LLP 1330 CONNECTICUT AVENUE, NW WASHINGTON, DC 20036			EXAMINER PANDYA, SUNIT	
			ART UNIT	PAPER NUMBER
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/10/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/967,283

Applicant(s)

MORROW ET AL.

Examiner

Sunit Pandya

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30-45 and 48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-45, 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11-29-06
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendments filed 1/30/2007, wherein the claims 30, 31, 35-39, 43-45 and 48 have been amended.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 30-45 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marnell (US Patent No. 5,393,057) in view of Giobbi (of record).

Claims 30, 38, and 48: Marnell discloses a gaming machine (col. 9:42-48), which includes multiple displays/screens displaying video content for a game of chance (col. 4: 17-29 and figure 1), as well as a display for displaying the jackpot or potential winning payout (figure 3, element 49b, which is a display connected to the processor to display the proportion of the amount to be paid out). Marnell also discloses video content comprising artwork representative of a theme of game played (col. 4: 10-29, wherein the game of poker is played and the artwork related to poker such as cards, are displayed on the display).

However, Marnell is silent on the automatic reconfiguration happening in response to a trigger and also regarding third display devices. Giobbi teaches a gaming

Art Unit: 3714

system in which video content is capable of being reconfigured in response to various triggers such as time, play frequency (0050), wagered amount (0041& 0050) etc.

Giobbi discloses a primary screen/display displaying a game being played by a player and an additional screen/display displaying a secondary game play features (0043-0044) or any additional gaming information related to the play of the game (i.e. pay tables, winning payouts etc.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature of automatically reconfiguring the video content in response to a trigger as cited above as taught by Giobbi into the Marnell type system in order to provide automatic operation of reconfiguring display of subsequent gaming sessions, to allow to change the game/theme of the current game to a brand new game without having to replace the machine, thus reducing cost for the gambling facility, as well as allow player's to play a variety of games on a remote terminal without having to search the casino floor for his or her preferred game (0052).

Claims 31-34 and 39-42: Marnell discloses a gaming machine (col. 9:42-48), which includes multiple displays/screens displaying video content for a game of chance (col. 4: 17-29), as well as a display for displaying the jackpot or potential winning payout (figure 3, element 49b, which is a display connected to the processor to display the proportion of the amount to be paid out). Marnell also discloses video content comprising artwork representative of a theme of game played (col. 4: 10-29, wherein the game of poker is played and the artwork related to poker such as cards, are displayed on the display, figure 1).

However, Marnell is silent on the automatic reconfiguration happening in response to a trigger. Giobbi teaches a gaming system in which video content is capable of being reconfigured in response to various triggers such as time, play frequency (0050), wagered amount (0041& 0050) etc. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature of automatically reconfiguring the video content in response to a trigger as cited above as taught by Giobbi into the Marnell type system in order to provide automatic operation of subsequent gaming sessions, which would attract more players and enable use of the system without having to rely on some type of network communication interface, as well as to allow to change the game/theme of the current game to a brand new game without having to replace the machine, thus reducing cost for the gambling facility, as well as allow player's to play a variety of games on a remote terminal without having to search the casino floor for his or her preferred game (0052).

Claims 35-37 and 43-45: Giobbi discloses allowing casino operators and/or the players to reconfigure screen that display video content of game of chance (0050-0052). Giobbi further discloses a processor running the game and further discloses using local stored video content to provide reconfiguration to screens that display video content (0057). Giobbi also discloses a networked/centralized gaming system wherein the gaming system contains plurality of screens that display plurality of different games of chance (0009), with reconfiguring the machine in response to a reconfiguration command received from a remote location (title & 0001 & 0040).

***Response to Arguments***

4. Applicant's arguments filed 7/11/2006 have been fully considered but they are not persuasive.

The applicant argues that neither Marnell nor Giobbi discloses multiple display devices. The examiner respectfully disagrees with the applicant. Giobbi teaches of multiple display terminals, wherein the display terminals display the games of chance on one of the screen and on the other screen provide entertainment means or player attraction means (0019, 0020, 0043-0045, figure 1, element 12a-12n, wherein for this instant application the value for  $n = 3$ , which would enable Giobbi to disclose 3 display devices as taught in the rejection above).

Regarding the applicant's arguments that neither Marnell nor Giobbi teach each and every element of the claimed invention. The examiner respectfully disagrees with the applicant. The combination of Marnell and Giobbi teach all of the claimed limitation, including functions that enable a gaming machine to be completely transformed (see rejection above paragraph #3), both in function and appearance, from one game theme to another game theme, without having to manually change the game screen including the artwork and the game program within the gaming machine.

Consequently, for the reasons provided above the rejection is maintained.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3714

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

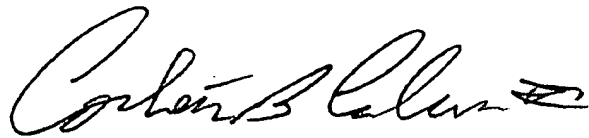
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", with a stylized flourish at the end.

**CORBETT B. COBURN  
PRIMARY EXAMINER**